IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.46586 of 2008
MANIK CHANDRA RAY
Versus
STATE OF BIHAR
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2. **2.12.2008** Heard Sri Rajani Ranjan Pd.Singh, Advocate for the petitioner and the learned A.P.P. for the State.

The case is under Section 20 of the NDPS Act in respect of recovery of a total quantity of 36 K.G. of ganja from three different containers, two attaché cases and one bag. The petitioner along with one Maya Rai @ Samma Rai were found sleeping at two berths. Enquiries were made about the attaché cases and the bag and both the petitioner and the said Maya Rai @ Samma Rai claimed that the same were theirs. On search a recovery was made.

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The contention is that a total recovery of 36 K.G. of ganja and after apportioning the recovery it could be 18 K.G to the each accused persons. The contention further is that the petitioner is in custody for about two years under the recovery which could not be said directly against the petitioner. The circumstance in which the recovery were made could be noticed that the two accused persons were travelling by Rajdhani Express and were carrying the contraband ganja in their luggage. The manner in which they admitted the luggage belonging to them could make it very easy to note that they had the conscious knowledge about the possession, considering which, I am not inclined to release the above named petitioner on bail.

Petition is dismissed.

(Dharnidhar Jha, J.)

B.Kr.